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Supreme Court, U.S.
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No.

In The

Supreme Court of the United States

In re: Cindy L. Naething

On Writ of Certiorari to the
United States Court of Appeals
For the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

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54 AP

QUESTIONS PRESENTED FOR REVIEW

1. Is it abundantly clear that one reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or other wise, state laws might not be enforced and the claims of citizens to the enjoyment of rights, privileges, and immunities guaranteed by the Fourteenth Amendment, might be denied by state agencies?

2. Is Congress determined to stamp out widespread violations of constitutional rights at virtually any cost, in which imposed liability even on persons who simply failed to prevent certain violations?

3. If the *district and appellate judges,* in deciding whether laws are constitutional, are to be left to the admonitions of their consciences, why was it the Founders gave us a written Constitution at all?

4. May *federal and appellant judges* refuse to perform a mandatory duty a non-discretionary duty under the due process law where a remedy could have been provided? To put a halt to the personal and financial harm arising from federally protected rights, in this case that has commenced shortly after September 3, 2001.

5. May *federal appellate judges* enlarge on such a violation of the constitutional due process, and take such advantage of a citizen when they knowingly and repeatedly violate clear and settled laws and constitutional protections, when they continue to conflict great personal and financial harm to a citizen, all to protect the corruption of former actions?

6. May *federal judges* use their judicial positions to inflict harm to a citizen by ignoring the issues put before them for not exercising constitutional due process remedies against violations of civil and constitutional rights occurring under state law and under federal law?

7. May a court just dismiss a complaint and cut a person off at the face of 'brutal need' with out the proper procedure guaranteed by the constitutional rights, by just ignoring facts stated in complaint that there was more material evidence that could be provided and would have been consistent with the allegations. May these courts just ignore these facts that would entitle a person relief under (42 USC 1983)?

8. May *Supreme Court justices* take meaningful corrective actions when district judges deprive a person of their liberty and property interest, who has been adversely affected by state actions. Does due process prohibit government infringement of liberty interest?

PARTIES TO THE PROCEEDING

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

CINDY L. NAETHING Pro Se: PETITIONER
P.O.BOX 50250
BOWLING GREEN, KY 42102

V.

DIRECTOR, LEE COVINGTON. Et al RESPONDENT
OHIO DEPARTMENT OF INS.
2100 STELLA COURT
COLUMBUS, OHIO 43215

And

AMERICAN GENERAL LIFE AND RESPONDENT
ACCIDENT INSURANCE CO.
AMERICAN GENERAL CENTER
NASHVILLE, TENNESSEE

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Petitioner Cindy L. Naething, respectfully request a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Sixth Circuit which was entered in this case Aug 20, 2003 with rehearing being denied on September 19, 2003.

OPINION BELOW

The opinion of the United States Court of Appeals for the Sixth Circuit entered on September 19, 2003. The order is found in Appendix. (App. J.). The order of the United States Court of Appeals for the Sixth Circuit denying rehearing dated September 19, 2003 is found in Appendix. (App. K.).

BASIS FOR JURISDICTIION

On October 24, 2001 the District Court for the Northern District of Ohio entered a judgment which is subject to this appeal. Notice of Appeal was filed October 29, 2001 to the United States Court of Appeals.

The jurisdiction of the Supreme Court of the United States to review this decision of the United States Court of Appeals for the Northern District of Ohio on appeal is conferred by Title 28 U.S.C., Section 1257 (2).

STATUTORY AND CONSTITUTIONAL PROVISIONS

Statutory and Constitutional provisions in the Sixth Circuit District and Appellant Court orders denying petitioner due process of law under the fifth and fourteenth amendment of the United States Constitution.

Title 28 U.S.C. 2101, under sections (b), (c), and (e), because of the public importance relating to the Sixth Circuit misuse of the federal courts district and appellant judges have.

Misused Sixth Circuit district and appellant courts in the covering up of the corruption thus far, and engaged in the pattern of subverting the laws of the constitution of the United States, and the taking advantage of a person where it has been clear she was not able to perfectly plead her claim.

Obstructing justice, by refusing to exercise their duties to plaintiff the relief to which she was entitled. Whether legal, equitable or both. Ohio law Appeal & Error 1080 C.J.S. Appeal & Error 837 et seq.

Rendered orders ignoring the clearly shown evidence of fraud, denying to petitioner the equal protection under the law and the due process of law.

Inflicted more great personal and financial harm on to the petitioner for not exercising the due process remedies available under the constitutional laws. Petitioner had exercised the constitutional due process rights in her complaint to defend against the judicially inflicted civil and constitutional violations. The wrong full acts that exposed these activities are also federal offences under Title U.S.C. 241.

Title 42 U.S.C. 1986, relating to responsibilities of any person, including federal judges, to halt in this case close to record-setting violations that have in the last twelve years now, deprived a person of a normal life. These constitutional acts have been repeatedly perpetrated not only by judges whom this court has supervision over, but by many other actions that have not been exposed.

Title 28 U.S.C. 1331. Right to federal remedies for violations of federally protected rights.

Title 28 U.S.C. 1343. Right to federal court access for relief against violations of constitutional rights.

Title 42 U.S.C. 1983-1988. Right to have federal judges order a halt to the scheme to strip petitioner of assets that funded her exposure of the activities in government offices of the Sixth Circuit courts.

Supreme Rule 10 (a) explaining that the Justices of the United States Supreme Court have responsibilities over lower federal courts."A petition for writ of certiorari will be granted... When lower courts has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such departure by the lower court, as to call for an *exercise of this Court's supervisory power."*

Supreme Court Rule 11, certiorari to the United States Supreme Court before judgment.

Citations of District and Appellant Court Decisions

Order filed October 24, 2001, rendered by James G. Carr judge for the District Court of the North Western District Court of Ohio dismissing plaintiff's complaint as moot. Appendix A. Case no. 3:01CV 7452.

Order by judge James G. Carr vacating in part plaintiff to have the chance to reply to defendants motion to dismiss by November 19, 2001. Appendix B.

Order by judge Carr still granting motion to dismiss. App. C.

Order rendered by judge James G. Carr denying plaintiff's motion for him to recluse. Appendix D.

Judgment entry filed by James G. Carr ordering for reasons filed on December 14, 2001. defendants motion to dismiss is hear by granted. Case closed. Appendix E.

Order rendered June 25, 2002 from United States Court of appeals. Case no. 01-4189 that the motion to dismiss was before a hearing panel of the court. Appendix F.

Order filed in the United States Court of Appeals on August 30, 2002 denying appellants motion to deny defendant Ohio Department of Insurance's brief. Appendix G.

Order filed July 29, 2003 that the case is scheduled for submission to the court on the briefs of the parties. App. H.

Order filed July 10, 2003 under consideration of appellee's motion to dismiss; and appellants motion to clarify, it is hereby ordered a ruling on these motions will be deferred until the panel confers on July 29, 2003. Appendix I.

Order rendered on August 20, 2003 that United States Court of Appeals affirms the judgment of the district court in its opinion and order. Appendix J.

Order filed from United States Court of Appeals on Sept 19, 2003 denying petitioner review of the case. Appendix K.

Order and Mandate filed on September 29, 2003 from the United States Court of Appeals. Appendix L.

Statement of the Case

Petitioner Cindy L. Naething who now resides in Kentucky, filed her complaint on August 28, 2001. for the purpose of finally obtaining some relief under statute 42 USCS 1983 and 1985. (3). Civil Rights; U.S.C. 2000(3) Title VII-Discrimination). Petitioner alleged true facts that she had been conspired against and prevented in all those years from obtaining the documents she was entitled to as being the beneficiary on the two insurance policies before she was defrauded.

The United States District Court for the North Western District of Ohio held that plaintiff lost a discovery action in Richland County Ohio, and cannot relitigate issues under that case under the doctrines of collateral estoppels and res judicata. The Court held that the statute of limitations was two years in a civil rights case. Also stated the defendant insurance company was not a state actor. The Court held that the State Dept. of Insurance seeks dismissal on the doctrine of sovereign immunity. Also that the argument need not be addressed because the complaint fails for want of specificity to state a claim is well taken. The court held that her allegations fail to show any right protected under the Constitution and laws of the United States have been violated.

Petitioner filed her appeal on October 29, 2001 in the United States Court of Appeals for the North Western District of Ohio; arguing the district court violated her 14th amendment rights by dismissing her complaint before plaintiff had the chance to respond to defendant American General's motion to dismiss complaint. And this was another violation of the due process and equal protection under the law. Petitioner then had to immediately file a motion to deny American General's motion to dismiss after she had already appealed because of the district court closing of the case prematurely as moot.

The United States Court of Appeals held on Aug 20, 2003 that an action in the Ohio State Court ruled that plaintiff had received the entire discovery she was entitled to. For the reasons articulated by the district court AGLA is not a state actor. Held that the claims against

Director Lee Covington fail for want of specificity and that the claim fails to allege sufficiently that a right protected under the Constitution or laws has been violated. Basically agreed with the district court.

On September 19, 2003 the United States Court of Appeals denied a review of the case. Denied the review because of the appellant's motion to inform the United States Court of Appeals of possible appeal construed as a petition for rehearing.

Summary of Argument

42 U.S.C. Section 1983 and 1985, providing for a cause of action for deprivation of any rights. Section 1983 provides in full: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the laws of the Constitution, shall be liable to that party injured in an action of law, suit in equity, or other proper proceeding for redress."

Section 1985 provides for a cause of action against persons who conspire for the purpose of depriving, either directly or indirectly, any person the equal protection of the laws or equal privileges and immunities under the laws-covers concerted action by as few as two persons and does not require interstate much less nationwide. The property owners have the right under the federal Constitution not to have the government physically occupy their property without due process of law or without just compensation.

Although the legislature may distinguish between individuals on the basis of their need or ability, it is presumptively impermissible to distinguish on the basis of an unalterable identifying trait over which the individual has had not control and for which he or she has been disadvantaged by the law.

"Certain principles have remained immutable in our jurisprudence. One of these that where action seriously injures an individual, and the reasonableness of the action depends on the fact-findings, the evidence used to prove the Government's case must be disclosed to the individual so she has the opportunity to show it is true or untrue. While this is important in the case of documentary evidence, it is even more important where evidence consist of the testimony of individuals whose memory might be faulty or who, in fact, might be perjures motivated by malice, vindictiveness, intolerance prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment...Some Court's have been zealous to protect these rights from erosion. It is spoken not only in criminal cases... but also in all types of cases even administrative...actions where under scrutiny."

The mandate of the Fourteenth Amendment that no state shall deprive any person of life and liberty without due process of law is a direct, traditional concern of the Federal Government; a decision interpreting a federal law in accordance with its historical design, that is, to punish denials by state action of constitutional rights of a person, cannot be regarded as adversely affecting the wise adjustment between state responsibility and national control.

Argument

Petitioner filed her complaint action in the Federal District Court under 42 USCS 1983, which provides for a civil action against any person who deprives another under the color of state law. And 42 USCS 1985 (3) providing a cause of action for persons who conspire for the purpose of depriving, either directly or indirectly, any person or class of person's equal protection of the laws or equal privileges and immunities under the laws. These are violations of her constitutional fifth and fourteenth amendments.

Reduced to the simplest terms, the claim which plaintiff stated she was the beneficiary on these two insurance policies and in the event of Martin Hampton's death was entitled to the proceeds. That the Defendant the Ohio Department of Insurance had promised on different occasions to take the proper proceedings in finding out what happened and how she was removed as beneficiary, buy subpoena of the records from American General. In addition, because of the numerous attempts from the year 1991 through 2001 she was forced to resort to naming them in the complaint.

Petitioner's complaint provided in exhibits an internal document that stated Cindy Naething was beneficiary but had been removed. Proof right there she was at one time the beneficiary. "Clear Point." Petitioner provided a change form on the one policy that shows only one thing and that is the forgery, with explanation to how that took place. There was also in exhibit's a letter provided to me where the O.D.I. had written the company in April 1994 requesting various documents, with an explanation of how they had promised me in March of 1994 to subpoena the records, and I would be provided the entire file. Petitioner also stated she had much more material evidence if this was to be heard.

Petitioner alleged that the basis of the conspiracy was the failure of the defendant to adequately provide me with the representation I deserved. To follow up with the promises made. And to do their duties by law. Ohio Administrative Code Rule and Statute 3999,41. They had an obligation to investigate the matter of fraud, in which they did do but hid the facts from me. In all of these acts, a remedy was available.

Petitioner provided much more than the prima facie requirement under 1983: She alleged that these defendants had deprived her in pursing the fraud issues and had conspired to prevent her from having the documents that would prove the fraud. And USC 1983 and 1985 provides for a remedy for actions under color of law, which contravene the federally protected rights, whether those rights derive from the federal statute or the constitution. It is clear the documents would have

been the remedy. The only remedy she has requested that has deprived her of another two years. A simple request in a complaint that had to have been completely ignored.

In this case that was brought before the United States District Court of Ohio the petitioner has much more than a "legitimate claim of entitlement" to a constitution- ally protected liberty and property interest that has been threatened by erroneous state actions in all these years, in preventing a person from proving fraud existed. A situation that has caused a person to literally wonder how they are alive.

Then when petitioner was able to get a complaint filed in the United States District Court to the best of her ability the district judge number one jumps on the chance to dismiss the claim. First violation of her constitutional rights by dismissing the claim untimely in which could of possibly been a simple mistake. Even though it would be real hard for me to believe that, in all the reasons for dismissing the complaint, it is very unlikely my complaint was looked at very seriously.

Dismissal of complaint by District Judge Carr for unspecified civil rights, count one simply untrue, petitioner was very specific that she had been deprived of the documents that would do only one thing. And that is prove the fraud. Petitioner not only filed her complaint under USC 1983 and 1985, but (42 USCS 2000) et seq.

Dismissal of the claim by District Judge that she lost an action for discovery in the Richland County Ohio Common Pleas. Did he abuse his discretion on that issue when the complaint had already stated the documents had not been provided to her. Did he bother to even consider the fair and proper procedure plaintiff was entitled to before cutting me off at a time of brutal need. And trying to find out why I was even in his court in the first place. Petitioner strongly feels this judge abused his discretion in not grasping the matters and issues before him, that there was a possibility that this person had not been given the fair opportunity procedurally, substantively, and evidentially to pursue her claim the first time. Or what the reasons where these documents had not been provided.

An action in a court of law that should have never existed if the state entity would of done their duties by law. Did this judge even consider that due to the alleged conspiracies was the same situation in 1995.

In ***Hansberry v. Lee,*** **311 U.S. 32, 37, 85 L. Ed. 22, 61 S. Ct. 115,** *we held that it would violate the Due Process Clause of the Fourteenth Amendment to bind litigants to a judgment in an earlier litigation to which they where not parties and in which they where not adequately represented. The decision of the Supreme Court of Alabama said that what we review today presents us with the same basic question in some what of a different context. See* ***Jason Richards, Et Al, v. Jeferson County Alabama, Et Al*** **517 U.S. 793; 116 S. Ct. 1761 135 L. Ed. 2d 76 (1996).**

Appeal & Error 1057.5 (2) Judgment 77 (3) Under the doctrine of mutalily estoppel, unless both parties (or their privies) in a second action are bound by judgment in a previous case, neither party (or its privy) in a second action may use the prior judgment as determination of an issue in the second action.

In ***Jason Richards, Et Al, v. Jefferson County Alabama, Et Al,*** **517 U.S. 793.** *It was said " We are not concerned with the rights of the plaintiff on the merits, although it may be observed that the plaintiff's claim is one arising under the Federal Constitution and, consequently, one of which the opinion of the state court is not final...Our present* concern is soley with the question whether the plaintiff has been accorded due process in the primary sense,--whether it has had the opportunity to present its case and be heard in its support...While it is for the state courts to determine the adjective as well as the substantive law of the state, they must, in so doing, accord the parties due process of law. Whether acting through its judiciary or through its legislature, a State may not deprive a person all the existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was, afforded to him some real opportunity to protect it.

In this case, there has been allegations of state actions which, beyond dispute, brings the conspiracy within the ambit of the Fourteenth Amendment.

It is an allegation of official, state participation in preventing a person from taking the proper actions in a fraud case they where well aware of since at the least the year 1992. It is an allegation of the state and through its officers with participation of others without the semblance of the due process of law as required by the Fourteenth Amendment, used its sovereign power and office to hide and protect the fraud and parties involved.

The district court erred in dismissing the complaint by summarily adjudicating the claim of promissory estoppel and res judicata where genuine issues of material fact remained for adjudication. And so far as the latches concerned, it has been repeatedly held that mere lapse of time does not constitute latches. "It is to be determined by consideration of justice, and that is dependent upon the circumstances of each case." In this case the plaintiff had not only the proper representation in her 1995 action, in depriving her of her rights but was no doubt being conspired against and not only the conspiracies under color of state law, but also purely private conspiracies, that the district court abused in its discretion to further find out by denying her the due process of law.

"It is immaterial to the conspiracy that any of these private individuals where not acting under color of law" because the count charges that they where conspiring with persons who where so acting."

The district court erred by dismissing the complaint that the state defendant the Ohio Department of Insurance seeks sovereign immunity. The concept of immunity of government officers from personal liability springs from the same roots considerations that generated the doctrine of sovereign immunity. While the later doctrine- that the "King can do no wrong"-did not protect all government officers from personal liability. The common law soon recognized the necessity of permitting officials to perform their official functions free from the threat of suits for personal liability.

Official immunity apparently rested, in its genesis, on two mutually dependent rationales: (1) the injustice, particularly in the absence of bad faith, or subjecting to liability an officer who is required, by legal obligations of his position, to exercise discretion; (2) the danger that the threat of liability would deter his willingness to execute his office with the decisiveness and the judgment required by public good.

The conduct of the defendant as described above was done with a conscience disregard of plaintiff's rights, had a great probability of causing more substantial harm to plaintiff than it has, and was done with negligently, willfully, and/or intentionally, an proximately causing plaintiff severe and extreme emotional distress, embarrassment, humiliation, mental and financial anguish.

This is a case where a attorney told petitioner close to seven years ago that this was not a case for the news papers, it was for current affair. Can one imagine what any one would think if I was ever allowed to prove these allegations. No not allegations but facts. And then for this case to have to end up in the higher courts first the federal district and then the united states court of appeals. For them to just ignore the injustice that has occurred, and let a person be deprived of another two years of normal life. Especially when the person was only requesting the documents she was entitled to. And only wanting to put a halt to the conspiracies.

There is no way res judicata could stand in these circumstances where a person has been conspired against over and over again in seeking justice. And this state entity named was a huge participant in preventing justice. There could not be an issue any more troublesome or more apt for litigation than this one here of the factual issues that where involved in the previous.

The federal constitutional violation actionable under 42 USCS 1983 for a state's violation of the right to the procedural due process-which right is protected by the guarantee of fair procedure secured by the due process law clause of the Federal Constitution's Fourteenth Amendment-is not complete when states deprivation of life, liberty, or property occurs.

Such violation is not complete unless and until the state fails to provide due process; to determine whether such violation has occurred, it is necessary to ask what process the state provided and whether it was constitutionally adequate, and such inquiry should examine the procedural safeguards built into the statutory or administrative procedure of effecting the deprivation and any remedies for erroneous deprivations provided by statute of tort law.

In the case of ***Scheurer, Administratix v. Rhodes, Governor of Ohio Et Al*** **416 U.S. 232 94 S Ct. 1683 40 L. Ed. 2d 90 (1974).** *Stated we intimate no evaluation whatever as to the merits of the petitioners' claims whether it will be possible to support them by proof. We hold only that, on allegations of their respective complaints, they where entitled to have them judicially resolved. The complaining parties are entitled to be heard more fully than is possible on a motion to dismiss a complaint.*

The district court also dismissed plaintiff's claim for want of specificity and petitioner argues that because subjecting claims against municipalities under 42 USCS 1983 to the specificity requirement for complaints under Rule 9(b) of the Federal Rules of civil procedure is a result that must be obtained by the process of amending the Federal Rules, and not by judicial interpretation; in the absence of such amendment, federal courts and litigants must rely on summary judgment and control of discovery to weed out unmertorious claims sooner than later.

A federal court may not apply a "heightened pleading standard"- more stringent than the usual pleading requirements of Federal Rule of Civil Procedure 8(a)-in civil rights cases alleging municipal liability under 1983. First the heightened standard cannot be justified on the ground that a more relaxed pleading standard would eviscerate municipalities,' immunity from suit by subjecting them to expensive and time-consuming discovery in every 1983 case, see ***Monell v. New York City Dept. of Social Services,*** **436 U.S. 658, 56 L. Ed. 2d 611, 98 S. Ct. 2018,** do not enjoy absolute qualified immunity from 1983 suits, *id* at **701; *City of Independence,* 445 U.S. 622, 650, 63 L.Ed.**

2d 673, 100 S. Ct. 1398. Second, it is not possible to square the heightened standard applied in this case with the liberal system of "notice pleading" set up by the Federal Rules. Rule 8(a)(2) requires that a complaint include only "a short and plain statement of the claim showing that the pleader is entitled to relief." And while Rule 9(b) requires greater particularity in pleading certain actions, it does not include among the enumerated actions any reference to complaints alleging municipal liability under 1983. Pp

CIVIL RIGHTS 12.5
Remedy for deprivation—

Head note: 10
The purpose of the federal civil rights statute (42 USCS 1983) authorizing an action at law, suit in equity, or other proper proceedings for redress of the deprivation, under color of state law, of rights secured by the Federal Constitution and federal laws, is to interpose the federal courts between states and the people, as guardians of the people's federal rights, and thus to protect people from unconstitutional action under color of state law, whether that action be executive, legislative, or judicial; in carrying out this purpose Congress, by expressly authorizing a suit in equity as one of the means of redress, has plainly authorized the federal courts to issue injunctions in 1983 actions.

Further petitioner alleged specifically in her complaint that she was at one time the beneficiary on these two insurance policies and provided documentation to show fraud existed. She alleged how she had been promised by O.D.I. that they would file suit finally in 1994 to get the file from the insurance company, and she would receive the entire file. In which never happened. Then close to two years later was advised they had gotten the policies and all from the company, but would decide what they would let me see.

Another reason for the district court dismissal of plaintiff's complaint was the defendant American General was not a state actor.

Another simple far from being the case when it is clear that the Co. has offices and does business in nearly every City in Ohio. In the case of ***Mc Gee v. International Life Insurance Co.*** **335 U.S. 220; 78 S. Ct. 199; 2 L. Ed. 2d 223; (1957).** In this case on certiorari, the United States Supreme Court reversed the judgment below. Black, J., speaking for eight members of the Court, stated that it was sufficient for purpose of the due process clause that the beneficiary's suit was based on a contract, which had substantial connection with California. It was held that the fact that the California statute was enacted after the defendant had assumed the obligation owed to the insured by its original insurer did not warrant the conclusion that the application of the statute to the defendant involved an impairment of the obligation of contract.

The next count for the district courts dismissal of plaintiff's complaint was that her allegations of misconduct and conspiracies where vague and conclusory and unsupported by material fact. In response to this, how could a federal judge hand down this order? No. (1) Plaintiff had put in her complaint that these defendant's had made the choice to not provide me with the documents to prove the existence of fraud, deprived me of that life, liberty and property rights. A right that is protected under the constitution of laws and the right that has been violated. No. (2). Plaintiff also had in her complaint that she had more material evidence in support of her allegations. For a federal judge to state this has not been a violation of her constitutional rights, and then to not provide her with any other procedures in further proving. Where does the injustice end?

As far as the conspiracies that in this case a person did not even want to allege, but had no choice. Not only had no choice, but also these are facts that there has been a clear conspiracy in preventing her from proving the fraud. That is as clear as night and day. facts that there has been unreasonable governmental interference that comes with the " liberty" and "property" concepts of the Fifth Amendment: that revocation of the security clearance in a proceeding without confrontation and cross-examination was authorized neither by Congress nor by the President, and that, in view of the questionable

constitutionality of the procedure adopted, such authority could not be inferred from acquiescence or nonaction.

Petitioner also contends that these actions not authorized by Congress or the President has severely denied her of her "liberty" and "property" without due process of law in contravention of the Fifth Amendment. The alleged property is the policies she has been deprived of in obtaining her proceeds: the alleged liberty is the petitioners freedom to make a choice in taking the proper actions in being defrauded out of such a large amount of money. Actions that has restrained her from the enjoyment of constitutionally protected rights. Actions that seriously affected petitioner's if not destroyed the ability for this person to have any trust in mankind. Actions that no one could even understand because they have not lived the experience.

In the case of: ***Green v. Mc Elroy ET Al.*** **360 U.S. 474; 79 S. Ct. 1400. 3 L. Ed. 2d 13 77; (1959).** It was noted in Headnote: (2) Same principle as in this case that an employee who has been discharged from his employment soley on the ground that the government revoked his security clearance has standing to bring a suit against the responsible goverment officials and to assert what ever rights he may have, since the defendants actions, directed at the plaintiff as an individual, caused substantial injuries and, where they are the subject of the suit between private persons, could be attacked as an invasion of a legally protected right to be free from arbitrary interference with private contractual relationships and, moreover, plaintiff has the right to be free from unauthorized actions of government officials, which substantially impair his property interest.

CONSTITUTIONAL LAW 827

DISCOVERY AND INSPECTION 13.5
Disclosure by Government.

Headnote: 3

It is immutable principle of jurisprudence that where government actions seriously injures an individual, and the reasonableness for its actions depends on the fact findings, the evidence used to prove the governments case. Documentary must be disclosed to the individual.

N2 Civ. R. 26(B) states:

"Parties may obtain discovery regarding matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to a claim of defense of any party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things."

In the case of ***Wood v. Strickland*** **420 U.S. 308, 322** it was held also that a state official is not immune from liability under USC 42 1983 if he knew or reasonably should of known that the action he took in his spere of the official responsibility would violate the constitutional rights of a person affected, or if he took the action with malicious intention to cause deprivation of a constitutional right or other injury to the person.

The decisive answer for the district court dismissing plaintiff's claim for failure of want and specificity to state a claim would be that the Federal Rules of Civil procedure do not require a claimant to set out in detail the facts in which he bases his claim. To the contrary, all the rules require is " a short and plain statement of the claim" that will give the defendant fair notice of what the plaintiff's claim is and the grounds he rest. Plaintiff had stated in her claim that she wanted these documents that she had been deprived of in all these years. That one of these entities could provide her with.

Plaintiff also need not show that defendant specifically intended to deprive of the recognized federal right, as required by word "willfully" in **U.S.C. 242,** See ***Screws v. United States.*** Nor need she show actual damages. ***Basista v. Weir, supra, at*** **87-88;** ***Tracy v. Robbins,*** **40 F.R.D. 108, 113 (D.C.S.C. / 1996).** It is sufficient for plaintiff to show either that the defendant acted under color of (a) statute, ordinance, regulation, custom, or usage of State of Territory," with actual knowledge he was violating a right "secured by the constitution of laws," or that defendant acted with reckless disregard of whether he was thus violating a right.

The allegations of state action, which beyond dispute, brings the conspiracy with in the ambit of the Fourteenth Amendment. It was an allegation of official, state participation in the conspiracy and through its officers with participation of others depriving me of the equal protection of the law, and protection of due process.

In the case of ***Griffin v. Breckinridge Et & Al*** **403 U.S. 88 91 S. Ct. 1790 29 L. Ed 2d. 338 (1971).** 1985 reaches private conspiracies to deprive others of legal rights can, of its self, cause no doubts of the constitutionality. It has been settled that 18 U.S.C. 241, a criminal statute of far boarding phrasing (see n. 4, supra), reaches wholly private conspiracies and is constitutional. E. g., In re Quarles, **158 U.S. 532; *Logan v. United States,* 144 U.S. 263, 293-295;*United States v. Waddell,* 112 U.S. 76, 77-81; *Ex parte Yarbrough,* 110 U.S. 651.** See generally ***Twining v. New Jersey,* 211 U.S. 78, 97-98.** Our inquiry, therefore, need not go only to identifying a source of congressional power to reach the private conspiracy alleged by the complaint in the case.

The Fourteenth Amendment of the Constitution prohibits the respective states from making laws abridging the privileges or immunities of citizens of the United States or denying to any person within the jurisdiction of the state the equal protection of the laws.

District court erred in also dismissing plaintiff's case as moot. In the case of ***Carroll ET Al v. President and Commissioners of Princess Anne ET AL*** **395 U.S. 175 89 S. Ct. 347; 21 L. Ed. 325; (1968).** The United States Supreme Court in this case agreed with the petitioners that the case was not moot. Since 1966, petitioners have sought to continue their activities, including the holding of rallies in Princess Anne and Somerset County, and appears that the decision of the Maryland Court of Appeals continues to play a substantial role in the response of the official to their activities. In these circumstances our jurisdiction is at no end.

This is the teaching of ***Bus Employees v. Missouri;*** **374 U.S. 74 (1963),** which concerned a labor dispute, which had led to state seizure of the business. This court held that, although the seizure had been terminated, the case was not moot because "the labor dispute which gave rise to the seizure remains unresolved.

There thus exist not merely the speculative possibility of invocation of the seizure law in some future labor dispute, but the presence of an existing unresolved dispute, which continues.

The same is true of the fashioning of the order. An issue in the area of the First Amendment rights must be couched in the narrowest terms that shall accomplish the pinpointed objective permitted by constitutional mandate and the essential needs of the public order. In the sensitive field, the state may not employ "means that broadly stifles fundamental personal liberties when the end can be more narrowly achieved." ***Shelton v. Tucker,*** **374 U.S. 488 (1960).** *In other words, the order must be tailored as possible to the exact needs of the case. The participation of both sides is necessary for the purpose. Certainly, the failure to invite participation of the seeking exercise First Amendment rights reduces the possibility of a narrowly drawn order, and substantially imperils the protection, which the Amendment seeks to assure.*

In other words petitioner sure wishes she would have been in one of these courts because knowing that the dispute would have been long resolved, some thing she was desperately seeking under the circumstances. Instead it seemed this district judge did not even consider this when he was in such a hurry to dismiss my case. Me being of know one up against a state entity. And because of this violation of my First and Fourteenth Amendment rights on his part, I have only had to suffer more mental anguish while waiting for the next step. Not to mention the expense. All it would of taken on his part this honorable judge was a little bit of further procedure I was entitled to. Judge Carr in the district court sure didn't bother to invite any participation in my case, he didn't even bother asking for the policies I was requesting to find out if the allegations where true. And then he acts like it was a federal offence when petitioner was advised to ask him to recluse.

The last count for the district court's dismissing plaintiff's complaint was she failed to allege that any protected rights under the constitution of laws have been violated. Another simply untrue fact. Petitioner alleged in her complaint in the district court that she had been violated of her due process of law under the Fifth and Fourteenth Amendment of the Constitution under (42 USCS 1983-1985).

Isn't it true that the purpose of the federal rights statute (42 USCS 1983) Authorizing an action at law, suit in equity, or other proper proceedings for redress of a deprivation, under color of state law, or rights secured by the Federal Constitution and federal laws, is to interpose the federal courts between states and the people, as guardians of the people's federal rights, and thus protect the people from unconstitutional action under color of state law, whether the action be executive, legislative, or judicial; in carrying out this purpose, Congress by expressly authorizing a suit in equity as one of the means of redress, has plainly authorized the federal courts ti issue injunctions in 1983 actions.

In the case that a complaint was brought to the district court of the state of Ohio that it was clear a person was at one time the beneficiary on some insurance policies and was still having to seek a remedy long over due. And stated that the defendant had with held her rights from her, no matter how improbable that it may be to some that she can prove her claim. Or maybe this should be rephrased because some are well aware she can. She was entitled to the opportunity to make the attempt and is not required to accept as final determination based on interferences drawn in favor of defendant from her complaint.

Long before the Rules of Civil Procedure for the District Court of the United States became effective, the court in the case of ***Winglet v. Rockwood, 8 Cir., 69 F. 2d 326, 239,*** *the court disapproved of the practice of attempting to put an end to litigation, was believed to be with out merit, by dismissing a complaint for insufficiency of statement.*

"A suit should not be disposed of on such a motion to dismiss the bill for want of equity unless it clearly appears from the allegations of the bill that it must ultimately, upon final hearing, be dismissed. To warrant such dismissal, it should appear from the allegations that a cause of action does not exist, rather than a cause of action may be defectively stated.***

"That rule of procedure should be followed which is most likely to result in justice between the parties, and generally speaking, that result is more likely to be attained by leaving the merits of the cause to be disposed of after answer and submission of proof, than by attempting to deal with merits on motion to dismiss the bill."

Further some would say that the making of a bill to dismiss for failure to state a claim upon which relief could be granted has the effect of admitting the existence and vality of the claim stated.

Further Congress has specific terms conferred Art. III jurisdiction on the district courts to decide actions brought to redress deprivations of civil rights. Under the opening language of 2343, n9 those courts "shall have original jurisdiction of Any *civil action authorized* by law to be commenced by any person..." (emphasis added). The civil rights action set out in 1983. n10 is, of course, included within the jurisdiction grant of subsection (3) of 1343. Yet petitioner does not, and indeed could not, contest the fact as to 1983, counties are excluded from "persons" answerable to the plaintiff "in an action at law suit and equity" to redress the enumeration deprivations. N11. Petitioner must necessarily argue that in spite of the language emphasized above Congress left it open for the federal courts to fashion a jurisdictional doctrine under general language of Art. III enabling them to circumvent this exclusion, as long as civil right actions and state-law claim arise ***288 from "common nucleus of operative fact." But the question whether jurisdiction over instant law suits extends not only to state-law claim, but to the defendant whom that claim is made, turns, initially, not on the general * 17 contours of the language in Art. III, i.e., "Cases...arising under," but upon the deductions which may be drawn from Congressional statutes as to whether Congress wanted to grant this sort of jurisdiction to federal courts. Parties such as counties, whom Congress *excluded* from liability in 1983, and therefore by reference in the grant of jurisdiction under 1343 (3), can argue with great deal of force that the scope of that "civil action" over which the district courts have been given statutory jurisdiction should not be so broadly read as to bring *back* within the power merely because the facts also give rise to an ordinary civil action against them under state law. In short, as against plaintiff's claim of *additional* power over "pendant party." The reach of the statute conferring jurisdiction should be construed in light of the scope of the cause of actions to which federal judicial power *has* been extended by Congress.

The last attempt petitioner made with the Ohio Department of Insurance was in May 2001. First through telephone conversations and then corresponding letters. The first letter was from Mike Davis at the department on May 8, 2001.

Stating we have recently received your complaint and intend on asking the company for an explanation of its actions. And would update me as to the results .I then received on May 24, 2001 a letter from Pat Smith at the dept. of insurance, stating that the department is not able to address your concerns due to the court actions. Is this believable or what? First of all they run me around from the year 1991-1994 of off and on leading me to believe they would take the proper actions, they cause me to have to go through the Richland County Courts in the first place, along with being involved in that case. Out right lying to the lady at legal aid as to who the selling agent was. And now have the nerve to tell me they cannot address my concerns. With all the communications I have had with them in all these years. After that petitioner was advised to write a letter to the department of insurance requesting the documents under the Freedom of Information Act 5 U.S.C. 552, as amended by Public Law. This letter was written on July 18, 2001.

The response petitioner received from the request of the documents was in a letter from Connie Lodge at the department of insurance on Aug 2, 2001 stating that it is her understanding that previously department staff members have told you that the records regarding your earlier complaint where beyond their retention schedule and would have been destroyed. However, these records have been located at an offsite storage facility. And she would determine which documents would be sent to me as public record. Once again played petitioner for a fool. After that was a phone call from me to the department in which Mike Davis comes directly to the phone asking me if I had and if I would get ahold of Keith Whitacre for the policies? I told him no and I would not. Him getting upset with me about that is when I knew I would not receive the documents requested.

Petitioner would like to say that there is no way in this world that a jury would not agree there has been one big time conspiracy in all these years preventing me from having my rights reinstated if this was all to be heard. There is no human being on the face of this earth that would not agree with the conspiracies charged.

Even when petitioner filed her complaint in the district court of Ohio and was able to get a little assistance with that. There was a hindrance in that, and some one wanting to have control over it all.

Kept trying to tell me that I needed to save some of that information for a hearing that obviously never happened. Third there was a time or two when we where working on it I was not exactly treated like a person. And last for a whole year and a half after the appeal file on October 29, 2001 I was advised there was nothing else I could do. This man was the father of one of the investigators I had contacted in 1992, that had told me he could not believe what they where doing to me. And I some what trusted his legal advise. Even though I now believe there was an ulterior motive in him assisting me in filing the complaint in the first place. And some one was trying to have control over it. Any way this is just another example of the injustice that a person has had to encounter over this. Another example of people trying to hinder the situation. When this mans wife said to me, maybe this man from the department of insurance did not like you. I said I don't really care. But I knew then that they where for sure involved in talking to some one. And it was not only the state but Keith Whitacre the one involved in defrauding me out of one of those policies. The man who wanted control.

This case before the United States Supreme Court today is a case that needs serious attention. A case that has literally deprived a person of twelve years of a normal life now in the conspiracies that have prevented a person from getting justice. A case where a person has not been allowed to prove the facts, in which she could of proved a lot of. With all the correspondence with letters and recorded conversations in all these years.

Now to the appeal in the United States Court of Appeals and even though petitioner does not feel she had proper representation in alk of this. And knows she has been severly disadvantaged by the law in all these years, for it to continue in the higher courts to her, is just unbelievable. It could not of taken those courts to long to realize that these complaints and appeals where not perfectly plead. That does not mean they had the right to deprive me of the proper procedures. To contribute to the corruption that has occurred by ignoring the facts put before them. Knowing I was only requesting the documents. Petitioner has been deprived another two years of a normal life because of this. And literally has tried dealing with all of this while living in a car.

The most inhuman situation there could be. To top it off truly and honestly thought the United States Court of Appeals would put a halt to it. And if not make sure I was provided with the documents requested, at least offer me some more proper procedures.

Maybe petitioner should have instead of filing her appeal in the United States Court of Appeals for Ohio should of come directly to the United States Supreme Court. It might of saved her the close to two years waiting and hoping and praying for some justice. In this case of ***Unites States v. Price ET & AL*** **383 U.S. 787; 86 S. Ct. 1152; 16 L. Ed. 2d 267 (1996).** On appeal, the Supreme Court of the United States reversed. In the opinion by Fortas, J., it was unanimously held (1) in No. 60 that private individuals where criminally liable under 242, if they were willful participants in joint activity with state or its agents, and (2) in No. 59 that reached assaults upon rights under the entire Constitution, including rights under the due process clause.

COURTS 700.5
Federal injunction-stay of state court proceedings-

Headnote: (1A) (1B)
The federal civil rights statute (42 USCS 1983) authorizing a suit in equity to redress deprivation, under color of state law, of federal constitutional rights, continues an "expressly authorized" exception to the federal anti-injunction statute (28 USCS 2283) prohibiting federal courts from granting injunctions staying state court proceedings "except as expressly authorized by Act of Congress," and Federal District Court errs in holding that, because of the anti-injunction statute, it is with out power in a 1983 action to injoin a proceeding pending in state court under any circumstances what soever. In the case of ***Mitchem DBA Book Mart v. Foster ET Al*** **407 U.S. 225 95 S. Ct. 2152; 32 L. Ed. 2d 705 (1972).** On appeal, the United States Supreme Court reversed and remanded the case. In opinion by Stewart, J., expressing the unanimous view of the court, it was held that 1983 constituted an "expressly authorized" exception to 2283, and that 2283 thus did not preclude injunctive relief in the present case. Burger, Ch., joined by White and Blackmun, JJ., concurred in the court's opinion and noted that although 2283 did not bar an injunction, the District Court should, on remand, consider general notions of equity or principles.

Petitioner brought her action under USCS 1983 and USCS 1985 which authorizes legal and equitable actions against a "person" who, under color of law, deprives another of his federal rights, and plaintiff alleged that the district court had jurisdiction. But because maybe she did not exactly have the proper representation and know herself to also include the court had jurisdiction under the provisions of 28 U.S.C. (1343) (3).

Maybe the State Attorney General as a party defendant should cure the jurisdictional defect in the complaints against the municipalitites. Whether jurisdiction was available under 28 U.S.C. (1331), the plaintiff not having alleged because of not knowing to do so. In case this might have been an issue in the case. Regardless the Fourteenth Amendment claims with the nature of "liberty" and "property" should have been enough to protect the fourteenth amendment against denial with out due process hearing. Instead under the on going circumstances in the case, petitioner feels this was just another opportunity for the justices to take advantage of a helpless person in the continuous cover up of corruption that has occurred.

Neither the District Court or the Court of Appeals reached the question whether the complaint stated a cause of action which 28 U.S.C. (1331) jurisdiction would lie. But petitioner is doing so only because of the disadvantage she has had of the law for so long, only trying to cover every avenue she can.

COURTS 240
Pendent federal jurisdiction-civil rights action-joinder of municipal corporation.

In an action brought in Federal Court under USCS 1983, which provides for a civil action against any person who deprives another of civil rights under color of state law, and 28 USCS 1343 (3), which gives Federal District Courts original jurisdiction of any civil action to redress the deprivation, under color of state law, of any rights secured by the United States Constitution or by federal law providing for equal rights, the joinder of the municipal corporation is not diversity of citizenship, but is a claim of jurisdictional pendent to a suit brought against a municipal officer within 1343. Brother BRENNAN, stated that all we hold is that where the asserted basis of federal jurisdiction over a municipal corporation in not diversity of

citizenship, but is a claim of jurisdiction pendent in a suit brought against municipal officer within 1343, the refusal of Congress to authorize suits against municipal corporations under the cognate of 1983 is sufficient to defeat the asserted claim of pendent-part jurisdiction.

The United States Court of Appeals erred in stating that plaintiff had received the discovery she was entitled to in the 1995 court action. When it is clear that she had not received the documents she was entitled to as being beneficiary on the policies before the fraud. If she had received those documents, why would of she even been in first the district court, and then in the court of appeals? Did both of these courts just over look the fact that she was beneficiary at one time, and ignore the clearly shown forgery in a document that was also provided to these courts. So what if the lower courts made that ruling, it is far from being the facts. And plaintiff had stated also she had been conspired against in that situation. But once again was not allowed to prove all these facts.

Again the court of appeals agreed with the district court that the allegations of misconduct and conspiracy where thus insufficient. To me this is just another portion of the mental cruelty I have dealt with. Mainly because I have lived this conspiracy. I know the allegations are facts and far from being conclusory and to top it off I was not provide the opportunity to further prove the allegations. In all of these years of consistently seeking help over this because of certain people's plan in this dragging out to make the case worth more money, there has been a hindrance in me getting the proper help Always an obstacle, always a halt to receiving any justice. And God as my witness these are facts that some one needs to put a stop to.

When the United States Court of Appeals sent to me on June 25, 2002 a letter stating after careful consideration of the matter, it is ordered that the motion to dismiss is referred to a hearing panel of the court. Petitioner was sure when she received that letter that some justice was finally going to take place regardless of how imperfect any thing was pleaded in her case. Petitioner receives the order Aug 20, 2003 from the United States Court of Appeals. She was mind boggled to say the least.

Petitioner then did not know what else to do, she had been told by the man that assisted her, there was no way she would get certorari, and you don't even have the money, in which I informed him otherwise. Any way petitioner then wrote a letter to the United States Court of Appeals letting them know that this was possibly going to be appealed. Asking them how could of they not seen a violation of some ones constitutional rights in this case after the conspiracies in all of these years? Also asking them did you see the policies I have not been provided? That has been top secret information in the cover up of fraud.

Petitioner then filed for review shortly after that to the best of her ability. But the United States Court of Appeals on September denied my petition for review for the reason that is way beyond my imagination, that my letter of possible appeal was construed as a petition for rehearing. And there was never a hearing in the first place from day one in this case. Petitioner requested a review.

On petitioners appeal in the United States Court of Appeals, was a person that has no doubt been so disadvantaged by the law required to know the exact laws to be treated fairly and to be provided with the due process of law according to her rights under the constitution of laws. When she obviously did not and was not properly informed. On appeal from a judgment from a one-judge District Court, in a case which under 28 USCS 2282, should have been heard by three-judge court. Is it really a requirement of the justice system when a persons life literally has been messed with? If this is the case, then after twelve years of this there really is a story to be told, and will be if some one does not put a halt to it all. My only hopes other than the United States Supreme Court will reverse and remand this case with direction to enter an appropriate order pursuant to 28 USCS 2282 for the convening of three-judge court to determine the merits of plaintiff's constitutional claim.

This case has been dismissed improperly on all accounts and is far from being moot. It should of never been ruled that. It is petitioners understanding that the court of appeals where at least suppose to except the allegations as being true, especially with out further proceedings of the due process of law. And it was clearly stated also she had further evidence that could of been provided, if opportunity to be heard.

*Although there has been disagreement among us upon the question of the precise scope of 1983, none of us therefore denied "the fact that a powerful behind the creation of 1983 was the purpose that it be available in, and be shaped through, original tribunals," or has forgotten "how important providing a federal trial court was among the several purposes. Section 1983 opened the federal courts to**2429 private citizens, offering a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the constitution and laws of the nation. And the decision maker should rest soley on the legal rules rule and evidence adduced at a hearing. To demonstrate compliance with this elementary requirement, the decision maker should state the reasons for his determination and indicate the evidence he relied on through his statement. And, of course, an impartial decision maker is essential.*

"Where a power is remedial in its nature there is much reason to contend that it ought to be construed liberally, and it is generally adopted in the interpretation of laws.- *Story of Constitution,* sec. 429." Globe App., at 68.

Reasons For Allowing Writ Of Certiorari

Actions of Sixth Circuit District Judge and the United States Court of Appeals Judges subverting legal rights and protections that are guaranteed to all citizens of the United States. Using their judicial positions to inflict harm on a person whom is not only homeless because of the ongoing injustice that has occurred, but a person who was only asking for some simple documents to get her life back and put a halt to the conspiracies that have taken place in all these years in preventing her to prove she was defrauded. Actions of these judges participating in depriving a person of her constitutional due process laws of the fourteenth amendment. Ignoring the facts presented in the complaint to the best of her ability.

"The States never had the right, though they had the power, to inflict wrong upon free citizens by denial of the full protection of the laws... and the States did deny to petitioner equal protection of the laws, they did deny me the rights of citizens under the Constitution, and this citizen had no remedy...

Who dare say now that the Constitution has been amended? That the nation cannot provide against all such abuses and denials of rights as these in the States and by the States, or the combinations of persons?"Does petitioner have to end up seeking public support if judicial relief is not forthcoming?

The main thrust in petitioner's complaint is the case of ***Haines v. Kerner ET & AL.*** **404 U.S. 519; 92 S. Ct. 594; 30 L. Ed. 2d 652.** The case of a pro se: litigant the Supreme Court reversed, expressing the unanimous views of the court, it was held that since it did not appear beyond doubt that the plaintiff could not prove no set facts in support of his claim, which would entitle him to relief, he was entitled to offer proof. In this case the United States Supreme Court hold allegations of a pro se litigant to less stringent standards than formal pleadings drafted by lawyers.

In the case of ***Maine v. Thiboutot*** **448 U.S. 1 555, 100 S. Ct. 2502.** The Supreme Court made clear that 42 U.S.C. provides for a remedy for actions under color of law which contravene federally protected rights, whether those rights derive from constitution or federal statute. The Supreme Court also explained that the "requirements of the procedural process applies to the deprivation of interest encompassed by the fourteenth amendments of liberty and property.

"Does section 2281 of U.S.C. require that a three-judge court be convened in any case in which a preliminary or permanent injunction is sought to restrain "the enforcement, operation or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute..." The purpose of 2281 is "to prevent a single federal judge from being able to paralyze totally the operation of an entire regulatory scheme...by issue of a broad injunctive order" ***(Kennedy v. Mendoza-Martinez,*****372 U.S. 144, 1540.** *and provide "procedural safeguards against improvident state-wide doom by federal court of state's legislative policy."* The laws of Federal courts 190-191 (2d ed. 1970). Or, if deemed appropriate, to obstrain from such determination pending state court proceedings. See ***Lake Carriers" Ass. V. MacMullan*** **406 U.S. 498, 509-513 (1972).**

If petitioner would of known this unexpected order from the United States Court of Appeals in the State of Ohio would have had this outcome, she would of filed for her petition for writ of certiorari to review the case in the United States Supreme Court before the judgment was entered under 28 U.S.C. 2101 (e).

CONCLUSION

For the reasons stated above, the decision of the United States Court of Appeals of Ohio should be reversed and declared unconstitutional. This case is far from being moot and the decision of the United States Court of Appeals for Ohio continues to have an adverse effect on petitioner's rights. Because an interference with this life, liberty and property rights so serious as this now under consideration and so disturbing of equity right, must be deemed arbitrary, unless it be supportable as a reasonable exercise of this agencies power of the state.

Respectfully submitted,

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